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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/669,709	09/26/2000	Randy C. Willig	P04362	5496
34456	7590	02/25/2004	EXAMINER	
TOLER & LARSON & ABEL L.L.P. 5000 PLAZA ON THE LAKE AUSTIN, TX 78746			MAIS, MARK A	
			ART UNIT	PAPER NUMBER
			2664	7

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/669,709	WILLIG, RANDY C.
	<b>Examiner</b>	<b>Art Unit</b>
	Mark A Mais	2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on \_\_\_\_.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-21 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-21 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 19 December 2002 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

13)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a)  The translation of the foreign language provisional application has been received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) 5)  Notice of Informal Patent Application (PTO-152)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_. 6)  Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. New corrected drawings are required in this application because the drawings are informal.

Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 15 recites the limitation "as set forth in claim 15". There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required. Examiner has interpreted the claim to refer back to independent claim 10.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2, 4- 5, 10-11, 13-14, and 19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Miloslavski et al. (USP 6,477,565).

6. With regard to claims 12, 4-5, 10-11, and 13-14, Miloslavski et al. discloses a personal access device (PAD) capable of browsing web sites on an IP network comprising: a radio frequency (RF) receiver (**Fig. 1, WAP device 29, col. 5, lines 56-57; see also col. 6, lines 3-7 wherein WAP device 29 can be a cell phone, laptop, palm (PDA), pager, etc.; see also col. 5, lines 63-67, wherein the radio frequency can be one of several RF technologies to include CDMA, TDMA, and GSM, etc.,**) capable of wirelessly communicating with a base station (**Fig. 1, WAP-SP 23 connected to WAP device 29 via wireless link 27, col. 8, lines 4-7**) coupled to said IP network (**Fig. 1, Internet network 11, a data packet network, col. 5, lines 15-17**), wherein said RF transceiver transmits IP data packets to said base station (**Fig. 1, WAP device 29**) and receives IP data packets from said base station (**transmits IP packets for at least Internet Protocol Telephony, col. 7, lines 60-63; as well WEB browsing, col. 2, lines 52-67**); and a PAD controller capable of executing an internet browser application (**WAP-enabled devices, such as WAP device 29 in Fig. 1, employ WEB-browsers, col. 2, lines 52-67**) and displaying web pages associated with said web sites on a display screen of said PAD (**for example, Fig. 1, display screen of notebook 29, col. 7, line 63**), wherein said PAD controller is further capable of transmitting voice data to, receiving voice data from, said base station via said RF transceiver (**WAP 29 transmits and receives IP telephone calls, col. 3, lines 31-33; col. 8,**

**lines 37-41; col. 7, lines 60-63; see also Fig. 2, WAP III, col. 11, lines 15-24).** Furthermore, WAP 9, when employing IP telephony, must, inherently, have a microphone and speaker, (e.g., a cell phone or a laptop capable of sending and receiving VOIP packets) (**Fig. 1, WAP device 29, col. 5, lines 56-57; see also col. 6, lines 3-7 wherein WAP device 29 can be a cell phone, laptop, palm (PDA), pager, etc.; see also col. 5, lines 63-67, wherein the radio frequency can be one of several RF technologies to include CDMA, TDMA, and GSM, etc.,).**

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3 and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Miloslavski et al. as applied to claims 1-2, 4- 5, 10-11, and 13-14 above, and further in view of Borella et al. (USP 6,587,433).

9. With regard to claim 3 and 12, Miloslavski et al. does not specifically disclose establishing a low latency IP connection for transceiving voice over IP data packets between the PAD controller and the base station. However, Borella et al. discloses a voice over IP system over an IP network that utilizes a differentiated quality of service by using the TOS field in the IP header between a VOIP telephone and the IP network for transporting the voice IP packets (**col. 8, lines**

**44-51).** Specifically, Borella et al. discloses that the Internet Protocol uses the TOS field in the IP packet's header to define the type-of-service used for transceiving IP data packets wherein the precedence levels for low latency is known as minimizing delay (See Tables A and B, col. 8, lines 52-59 and col. 9, lines 1-10, respectively; *see also* col. 8, line 60-67 and col. 9, lines 11-16; *see also* TC/IP Illustrated Vol. 1, pages 34-35). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to establish a low latency connection between the PAD controller and the base station to ensure the quality of service associated with voice communications.

10. Claims 6-8, 15-17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miloslavski et al. as applied to claims 1-2, 4- 5, 10-11, and 13-14 above, and further in view of Newman et al. (US Patent Publication 2002/0022499).

11. With regard to claims 6-7, 15-16, and 21 Miloslavski et al. does not specifically disclose a display screen removably attached to the RF transceiver and a PAD controller. However, Newman et al. discloses a personal communicator the combines the functions of a cell phone and a computer. More specifically, Newman et al. discloses a user control module (**Figs. 1 and 2, interpreted as the combination of the cell phone 1 and computer 4**) that can access the internet and retrieve e-mail or receive faxes (**page 2, paragraph 17**). Moreover, Newman et al. discloses a detachable screen (**detachable screen 3, figs. 1 and 2**). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the RF receiver coupled to the PAD controller to a detachable screen because such a modification allows the user

to use the appliance more easily and spares the user the inconvenience of carrying around all the separate components (**page 2, paragraph 17**). Newman et al. also discloses that the user control module contains a microphone and speaker (**Fig. 2, microphone 8 (MIC.) and earpiece 6**).

12. With regard to claim 8 and 17, Miloslavski et al. does not specifically disclose that the PAD controller is capable of determining when the user control module and the display screen module are separated. However, Newman et al. discloses that the personal communicator device can operate in several different modes to include either cell phone or a computer/cell phone/display combination capable of accessing the internet (**page 2, paragraph 17; see also page 3, paragraph 21 and 23**). Newman et al., therefore, teaches that the cell phone separation from the computer is necessary in order to operate in the correct mode for each disclosed device (e.g., cell-phone-only mode). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention for the PAD controller to be able to determine when the display screen is separated because such a determination is necessary for either using the cell phone alone or using it in conjunction with the computer to access the internet (**page 2, paragraph 17, lines 6-8**).

13. Claims 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miloslavski et al. as applied to claims 1-2, 4- 5, 10-11, and 13-14 above, further in view of Borella et al. (USP 6,587,433) as applied to claims 3 and 12, and further in view of Newman et al.

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14. With regard to claims 9 and 18, Miloslavski et al does not specifically disclose that a low latency VOIP connection is established when the phone is separated from the display. Borella et al. discloses that the low latency connection is established by amending the TOS field for minimizing delay. Newman et al. teaches that the separation of the cell phone and the computer is necessarily determined because the mode of each device must be determined before each devices' use (**see paragraph 12 above**). Thus, Newman et al. must determine when such a VOIP connection is feasible when using the cell phone. For example, when the cell phone is operating as part of an IP cell network for the use of packetized data voice communication (VOIP), the cell phone would automatically establish a low latency connection. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention for the telephone to establish a low latency connection for the VOIP telephone because the cell phone in Newman et al. would detect when it was separated from the screen and/or computer and, therefore, know when to establish the low latency VOIP connection.

***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

(a) Daswani et al. (USP 6,477,565) Method and apparatus for restructuring of personalized data for transmission from a data network to connected and portable network appliances. This reference discloses a wireless RF transceiver capable of browsing the internet over an IP network and using VOIP.

(b) Szlam (USP 6,359,892) Remote access, emulation, and control of office equipment, devices, and services. This reference teaches an RF transceiver capable of browsing the internet over an IP network with a fixed display and using VOIP.

(c) Ketola (USP 6,112,099) Terminal device for using telecommunications services. This reference teaches an RF transceiver capable of browsing the internet over an IP network with a fixed display.

(d) Ditzik (USP 5,983,073) Modular notebook and PDA computer systems for personal computing and wireless communications. This reference teaches an RF transceiver capable of browsing the internet over an IP network with a fixed display.

(e) Thakker (USP 6,487,602) System and method for accessing the internet in an internet protocol-based cellular network. This reference discloses a IP network cell phone (VOIP) coupled with a computer capable of browsing the internet over an IP network.

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16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A Mais whose telephone number is (703) 305-6959. The examiner can normally be reached on 8:00-4:30.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (703) 305-4366. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-6182.

18. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

January 29, 2004

  
Ajit Patel  
Primary Examiner